



Oregon Fish and Wildlife Commission Minutes

Meeting:
February 14, 2008, 1:00 p.m.
Teleconference
Oregon Department of Fish and Wildlife
Headquarters
3406 Cherry Ave. NE
Salem, Oregon 97303

Commission minutes are considered draft until approved by the Commission at its next meeting.

Notice of these meetings had been made by press release of statewide media circulation. Those attending part or all of the meeting included:

Marla Rae, Chair	Carter Kerns, Commissioner
Dan Edge, Vice-Chair	Roy Elicker, Director
Zane Smith, Commissioner	Steve Sanders, Assistant Attorney General
Jon Englund, Commissioner	Casaria Tuttle, Executive Assistant
Skip Klarquist, Commissioner	Curt Melcher, Deputy Director
Bobby Levy, Commissioner	Steve Williams, Fish Division

MEETING

On Thursday, February 14, 2008 at 1:00 p.m., Chair Marla Rae called the Oregon Fish and Wildlife Commission (Commission) meeting to order via conference call.

MAINSTEM COLUMBIA RIVER NON-TREATY SPRING CHINOOK FISHERIES AND RENEWAL OF THE FISHERIES MANAGEMENT AGREEMENT WITH WASHINGTON

The Commission will be briefed on ongoing negotiations involving Columbia River spring Chinook fisheries and may provide additional guidance for negotiating a fishery management plan with Washington.

Staff: Curt Melcher, Deputy Director of Fisheries and Wildlife

No Public Testimony

Action: Informational Briefing

The meeting occurred via telephone conference call. The public was allowed to listen to the discussion via speakerphone in the Oregon Department of Fish and Wildlife Commission Room at 3406 Cherry Ave. NE, Salem, Oregon. However, no public input was accepted during the call

Commissioner Englund declared a potential conflict of interest in that his business has the potential of doing business with those involved in commercial and sport salmon fisheries.

Commissioner Edge declared a potential conflict of interest in that several of the groups present to testify offer scholarships to students in his program.

Curt Melcher explained that ODFW staff have been in discussions with Washington Department of Fish and Wildlife counterparts regarding the Columbia River salmon management agreements. He stated there will also be a Columbia River Compact Friday, February 15, 2008.

Director Elicker gave a brief update on negotiations with Washington State regarding Oregon's objective based management and Washington's allocation based management.

Curt Melcher explained the management objectives. Both states have agreed to have a Columbia River mainstem recreational fishery above the I-5 Bridge or some other appropriate boundary from March 16 through April 30. There will be a six day per week fishery with a closure on Tuesdays to provide for orderly commercial fishing opportunity.

Curt Melcher explained there will be a limited but meaningful recreational fishing opportunity downstream from the Willamette River consisting of a 12 day season, March 24 through April 4. The lower river fishery is not consistent with direction the Oregon Fish and Wildlife Commission gave Oregon staff on Friday, February 8 but is consistent with Washington objectives.

Oregon maintained the 10 percent buffer. Some modifications were made that explicitly state a 75 percent commercial 25 percent recreational cut. Only half of the buffer could be used by the sport fishery to meet management objectives. The other half of the buffer is reserved for run size error or management.

If all objectives are met as described there would be a 61 percent sport and 39 percent commercial split.

There is also a proposed full season in the Willamette River and tributaries with a one Chinook daily bag limit in all areas.

Steve Williams explained the mainstem Columbia River below the Willamette River still has a constraint of no more than 500 Willamette fish for harvest.

Commissioner Smith asked for a confidence level in keeping track of 500 Willamette fish. Steve Williams responded by saying looking at a short fishery (12 days) staff have to rely on modeling runs that say the fishery at that time will catch no more than 500 Willamette fish. The model will be able to sort out upriver from downriver fish. Commissioner Smith asked if by exceeding the 500 Willamette number staff are ready to adjust the season in Willamette River.

Steve Williams responded that staff would have to evaluate in season and respond accordingly.

Chair Rae asked for clarification regarding the creation of the 10 percent buffer. Steve Williams said that establishing the 10 percent buffer 25 percent comes from the sport fishery's one fish bag limit and the other 75 percent comes from the commercial fishery.

Commissioner Smith said his perception was that was not the direction the Commission gave to staff last Friday, February 8. He stated that he wanted the buffer applied equally to both the sport and commercial fisheries. Steve Williams said staff made some adjustments. One hundred percent of buffer in the staff option 1 presented at the February 8 Commission meeting was on the side of the commercial fishery. Staff has reduced the use of the buffer on the commercial fishery.

Commissioner Smith said the Commission didn't provide a 75/25 split. He asked if it came from Washington and asked what the rationale was. Steve Williams responded that that rationale was in terms of trying to make the 10 percent buffer that provides enough fish for the run update and to meet the sport objective of a fishery to April 30. He further explained that assuming modeling is correct, unused portions of the buffer would go back and meet the commercial objective. Commercial objectives can be met later in the year easier than sport objectives.

Commissioner Edge asked for a reminder of the Washington decision. Curt Melcher stated that Washington adopted a flat 65 percent sport allocation with no identified buffer. He further explained that staff are trying to get an acceptable balance to compromise with Washington.

Commissioner Smith questioned whether the commercial fishery would be able to regain their objective. He asked if there is a threshold that would determine the commercial fishery being unable to catch up. Steve Williams responded that the inability to catch up has been discussed on the sport side but no discussion of a point where the commercial fishery could not meet their objective. He further explained the commercial fishery could fish into May, which allows more time to catch the fish. Commissioner Smith asked about the other variable of limiting the commercial fishery to above the I-5 Bridge. Steve Williams said there is uncertainty on ODFW's part and on the part of the industry as to how the commercial fishery will do. He further stated that staff is confident that fishermen generally find a way to catch fish.

Commissioner Klarquist stated that 6,000 commercial fish was not a management objective. The number of fish caught in the commercial fishery depends on the type of net used. Steve Williams stated that 6,000 fish was predicted using a mix of big net and small net. He also said that catch will

change depending on the type of gear. Staff want to complete the fishery with tangle nets but if steelhead are present then the industry will have to go to a larger net size. He further stated that a commercial fishing date has not been finalized yet. The date may possibly be that last week of March or first week of April. The Columbia River Compact will decide the date on Friday, February 15. Steve Williams also explained the date of April 29 was left open in recognition of other options with potential closures on the back end of the sport fishery. He said the Columbia River Compact may add the 29th to help get closer to the management objective.

Commissioner Englund asked if the run is downsized, with the buffer set now, what happens to the allocation. Steve Williams explained the base will move to about 63 percent 37 percent if 50 percent of the buffer is used to meet the sport objective. Commissioner Englund stated his concern that staff are putting the risk on the commercial fishery. Steve Williams explained that there is risk on the commercial side if modeling is wrong but the risk goes in both directions and that remaining impacts would be left to the Columbia River Compact to sort out the use.

Chair Rae stated that there has been buzz about new data regarding tangle nets mentioned by Washington. Steve Williams explained the new data shows the potential lowering of tangle net mortality from 18.5 to a lower percentage. Washington is still in the process of compiling the data. The data is not available for use at Compact, hasn't been through Technical Advisory Committee (TAC) yet and staff wants to evaluate the data. If the information is accurate staff can start to utilize it through the compact process.

Commissioner Englund asked about the timing of the tangle net info coming out now and asked how long it will take before implementation. Steve Williams doesn't know how long implementation would take, further stating that it depends on the nature of the data and what form it is in, if staff can get it vetted with TAC to use this year. A court ordered technical review process is required for all information. It is unknown how long it will take to get through the process.

Commissioner Smith asked if a peer review also would be required in addition to the review by TAC. Curt Melcher responded that the TAC is made up of state, tribal and federal scientists and that the US v OR process does not require any additional peer review. Additionally, the agencies conduct their own reviews and assessments of information.

Commissioner Englund asked if a problem in the Willamette River happens and there are 6,000 Willamette fish to be caught why is it only 500 Willamette fish allocated to the fishery downriver. He asked if more can be given to the lower river fishery and the Willamette season be shortened. He asked on behalf of the members of the public who have asked him that question. He said the people

downriver are having trouble understanding. Curt Melcher explained that one of the balancing acts in the process is trying to establish a fishery above I-5 that would be open through the end of April. He said that if more fish are added to the lower river additional commercial fish would be allocated to maintain the objective or staff would have to abandon the April 30 objective for the fishery above I-5.

Commissioner Smith asked if during negotiations with Washington if staff helped to set the stage for Washington to move toward objectives and away from numbers. Curt Melcher said Oregon is striving to do that. He thinks Oregon is continuing to lead Washington down that path. Commissioner Smith expressed hope that staff can convey that message to Washington during the Columbia River Compact.

Chair Rae considered the current process a transition phase until all parties start thinking of this as an objective process. In spite of the Commissions intent to focus on management objectives, she was certain there were those who will put a percentage to the Commissions actions. She said this is inevitable until those involved can find a different way to negotiate concurrent regulations.

Commissioner Klarquist asked if there had been any discussion with Washington on the commercial fisheries occurring during daylight only. Steve Williams stated there was discussion. The industry expressed that they would like to begin the fishery in daylight hours. Staff want to retain the flexibility to work with water conditions.

Commissioner Englund asked how often the Columbia River Compact meets. Steve Williams informed him the Compact will meet frequently. The Compact had 52 meetings last year, which set a new record. He would anticipate numerous Compact meetings this year.

Chair Rae stated the three points that were different from the Friday, February 8 Commission meeting: a lower river fishery, sharing of the buffer and a one fish bag limit. She stated that for the Friday, February 15 Compact meeting she doesn't want to give staff more precise direction. She said the staff needs latitude to get concurrent regulations under the same parameters as the February 8 and February 14 Commission meetings.

Director Elicker would like a general motion made that the Commission approves the modest deviations made. The Commission feels it is appropriate the department meet with Washington tomorrow, Friday, February 15 and set season regulations.

Commissioner Klarquist moved that the Commission support the basic fishery structure as described today that gets a mainstem sport fishery above the

Willamette River open through April 30, mainstem sport fishery below the mouth of the Willamette River April 4 and a commercial allocation of approximately 5,200 upriver fish and utilization of 10 percent buffer. Commissioner Levy seconded the motion.

Chair Rae restated her strong hope for the stakeholder process to reach common ground. She said it would be a great benefit in helping to communicate similarities and differences.

Roll call vote:

Commissioner Edge voted aye
Commissioner Smith voted aye
Commissioner Kerns voted aye
Commissioner Englund voted aye
Commissioner Klarquist voted aye
Commissioner Levy voted aye
Commissioner Rae voted aye

Commissioner Kerns asked if a fishery will be above Bonneville dam at some time during the season. Steve Williams stated that discussions regarding the Bonneville pool are ongoing.

Chair Rae stated that there was no other business proper to come before the Commission.

Chair Rae adjourned the meeting at 1:39 p.m.